Court File Number: T-2398-22

FEDERAL COURT

BETWEEN:

CANADIAN SHOOTING SPORTS ASSOCIATION

ANTHONY BERNARDO

DANIEL NAGY

CORINNA TRAILL

JOHANNES (JOHN) C. EVERS

Applicants

-and-

ATTORNEY GENERAL OF CANADA

Respondent

NOTICE OF APPLICATION
Pursuant to sections 18 and 18.1 of the *Federal Courts Act*

TO THE RESPONDENTS:

A PROCEEDING HAS BEEN COMMENCED by the Applicants. The relief claimed by the Applicants appears on the following pages.

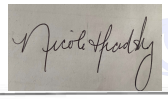
THIS APPLICATION will be heard by the Court at a time and place to be fixed by the Judicial Administrator. Unless the Court orders otherwise, the place of the hearing will be as requested by the applicants. The applicants request that this application be heard at Toronto.

IF YOU WISH TO OPPOSE THIS APPLICATION, to receive notice of any step in the application or to be served with any documents in the application, you or a solicitor acting for you must prepare a notice of appearance in Form 305 prescribed by the *Federal Courts Rules* and serve it on the applicant's solicitor, or where the applicant is self-represented, on the applicant, WITHIN 10 DAYS after being served with this notice of application.

Copies of the *Federal Court Rules,* information concerning the local offices of the Court and other necessary information may be obtained on request to the Administrator of this Court at Toronto (Telephone 1-800-663-2096) or at any local office.

IF YOU FAIL TO OPPOSE THIS APPLICATION, JUDGMENT MAY BE GIVEN IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU.

November 17, 2022

Issued by: 
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The Application

1. On May 30, 2022 the federal government tabled and placed before the House of Commons a proposed Regulation, 8560-491-492-01, that had as its object to freeze the transfer of ownership of registered handguns except in limited circumstances. This was to be accomplished by limiting the authority of Chief Firearms Officer to issue authorization to transfer handguns. This is called version one.

2. On October 21, 2022 the federal government registered a Regulation, SOR/2022-219 that had its object to freeze the transfer of ownership of handguns except in certain circumstances and contained an important significant additional provision to allow for the completion of transfers of handguns that had been duly initiated before October 21, 2022. This change affected hundreds of thousands of handgun transfers.

3. On August 19, 2022, the government made a change under the Export and Imports Permits Act to require an additional import permit for import of restricted handguns into Canada. This was a ministerial discretion of the Minister of Foreign Affairs. The additional import certificate needed to match the purposes stated in the proposed handgun freeze regulation.

The Applicants make application for:

4. A declaration that SOR/2022-219 is ultra vires or vague and is therefore of no force and effect; and

5. A declaration that SOR/2020-219 violates Sections 7 and 8 of the *Canadian Charter of Rights and Freedoms* and is therefore of no force and effect; and

6. A declaration that SOR/2022-219 violates the *Constitution Acts,* 1867-1982 consolidated and is of no force and effect.

7. A declaration that SOR/2022-219 violates the *Firearms Act* SC and is of no force and effect.

8. A declaration that SOR/2022-219 violates the laws of succession and vesting of property upon death to a beneficiary and therefore void and of no force and effect.

9. A declaration that the sections 28 and 30 of the *Firearms Act* are paramount and that particular sections of the Regulation are *ultra vires* and void and of no force and effect.

10. A declaration that Regulation is an unlawful delegation of authority or decision making of criminal matters to unknown private individuals, clubs, organizations, corporate bodies which international, national and provincial in nature and is *ultra vires*, void and of no force and effect.

11. A declaration that the ministerial decision under the *Export and Import Permits Act* stopping, prohibiting and limiting the import of handguns as of August 19, 2022 is void and of no force and effect.

12. A declaration that the ministerial decision under the *Export and Import Permits Act* stopping, prohibiting and limiting the import of handguns is *ultra vires* or vague and is therefore void and of no force and effect; and

13. A declaration that the ministerial decision under the *Export and Import Permits Act* stopping, prohibiting and limiting the import of handguns violates Sections 7 and 8 of the *Canadian Charter of Rights and Freedoms* and is therefore void and of no force and effect; and

14. A declaration that the ministerial decision under the *Export and Import Permits Act* stopping, prohibiting and limiting the import of handguns violates the *Constitution Act,* 1867 and is void and of no force and effect.

15. A declaration that the ministerial decision under the *Export and Import Permits Act* stopping, prohibiting and limiting the import of handguns violates the *Firearms Act* SC and is *ultra vires,* void and of no force and effect.

16. A declaration that the ministerial decision under the *Export and Import Permits Act* stopping, prohibiting and limiting the import of handguns violates the laws of succession and vesting of property upon death to a beneficiary and is void and of no force and effect.

17. A declaration that the sections 28 and 30 of the *Firearms Act* are paramount and that particular sections of the Regulation and ministerial order are *ultra vires*, void and of no force and effect.

18. A declaration that Regulation is an unlawful delegation of authority or decision making of criminal matters to unknown private individuals, clubs, organizations, corporate bodies which international, national and provincial in nature and is *ultra vires*, void and of no force and effect.

19. Disclosure from the Governor in Council of all information relied on in forming its decision to prohibit that transfer of handguns and the import of handguns affecting firearms owners and licensed purchasers who are unable to transfer lawfully possessed property or to obtain other legally registered handguns.

20. The costs of this application; and

21. Such further and other relief as counsel may request and this Honourable Court may permit.

Applicants

22. Canadian Shooting Sports Association is a not for profit organization with directors, officers, employees and members. It provides services to the members of insurance, training in firearms safety, advice on all aspects of firearms use and ownership. It conducts target shooting and aiming practices and competition at various locations for all types of firearms which include but is not limited to handguns at shooting clubs and ranges approved under the *Firearms Act.*

23. It recommends licensed individuals to be competitors in Olympic/Paralympic competitions. As such it is one of the several organizations which is a "governing body".

24. Canadian Shooting Sports Association evolved from the Ontario Revolver Association which began about sixty two years ago to provide services to handgun owner. That organization grew in memberships and there was more interest and availability of handguns other than revolvers for the sport of target shooting. That organization was reorganized to become Ontario Handgun Association, a not for profit membership issued organization providing services to members.

25. Ontario Handgun Association, the Police Revolver Clubs of Ontario and the Ontario Small Bore Federation grew in membership and there were individuals across Canada who wanted to be members and who were members. Those three organizations decided to expand to provide services to individuals throughout Canada and reorganized to become Canadian Shooting Sports Association.

26. As an organization that provides services which include but are limited to advocacy for its members and all Canadian firearm owners, it has an interest in licensed individuals lawfully acquiring and transferring handguns for the purposes allowed in the *Firearms Act.* Other services are providing training, target competitions, insurance and communications.

27. The change in the law of transfer and subsequently possession and use of handguns by its members is deeply and significantly affecting its members and all licensed individuals in Canada who are licensed to acquire and possess handguns.

28. For reasons stated in this Application, it states the Regulation is void and of no force or effect.

29. Anthony Bernardo is a licensed owner of registered handguns. He informally collects handguns, uses them in target shooting. He is also a range officer at approved gun shooting ranges.

30. He is the Chief Executive Officer of the Canadian Shooting Sports Association. He oversees the operation which provides services to its members. CSSA has about 37,000 members across Canada.

31. Mr. Bernardo wants to continue his hobby of collecting restricted and prohibited handguns and target shooting. This requires him to be able to acquire and transfer registered handguns. The Regulation prevents him from doing acquisitions or doing transfers.

32. Mr. Bernardo has adult children who are licensed to acquire and possess handguns. Mr. Bernardo wishes to have them inherit his handguns but now the Regulation prevents that.

33. For reasons stated in this Application, Mr. Bernardo states this Regulation is void and of no force or effect.

34. Corinne Traill is a beneficiary of her late husband Mathew Black who died on or about January 1, 2022. She was a licensed owner of one restricted handgun before and after her husband died. He was the licensed owner of two restricted handguns. He died intestate. The *Succession Law Reform Act,* RSO and common law provides that his property immediately vested in her at his death.

35. She faced adversity after his death and the Durham Regional Police seized her firearm and his firearms about a month after he died.

36. Then after more months passed she was charged with section 86 of the *Criminal Code*. She defended against the charge and after several court appearances the criminal charges and application against her were withdrawn. In the meantime, the Chief Firearms Officer Ontario (hereinafter referred to as the CFO) revoked her firearms license. She filed for a reference hearing under the *Firearms Act* to challenge that revocation which had been based on her facing the unsafe storage charges. After the criminal charges were withdrawn, her firearms license was restored in November, 2022.

37. The police actions prevented her from having two handguns she inherited registered in her name. Now that the Regulation is in effect she is unable to have the two inherited handguns registered in her name. She states that for reasons stated herein the Regulation is void and of no force or effect. She wants the handguns she lawfully inherited and was and is licensed to own registered handguns in her name.

38. John Nagy is a licensed handgun owner. He is qualified as a collector under section 30 of the *Firearms Act*. He is also the owner of Eli's Guns, a licensed firearms business in Simcoe, Ontario. The Regulation prevents him from acquiring additional handguns or transferring any handguns registered to him. This interferes with his status of a firearms collector for which he is qualified. This also affects his livelihood as the owner of a licensed firearms business that for many years acquired and sold handguns to licensed individuals.

39. For reasons stated herein he states the Regulation is void and of no force or effect. He intends to continue his hobby of a handgun collector and wants his firearms business to resume the acquisition and sale of handguns as it did before the Regulation became law.

40. John Evers is an individual licensed to acquire and possess handguns. He is a collector of handguns and a competitive handgun target shooter. He is a volunteer director of the Canadian Shooting Sports Association. He trains, coaches and competes in various handgun target sports. Some are club events and some are instructional events to which he travels to other countries. He is a volunteer officer and director of other gun clubs and firearms organizations. He is an approved instructor of the Canadian Firearm Safety Course and the Canadian Restricted Firearms Safety Course.

41. In Mr. Ever's role as an individual licensed to acquire and possess handguns, he needs to be able to acquire and transfer handguns. He wishes to give his handguns to beneficiaries when he eventually dies.

42. The ministerial order also prevents him from traveling to other countries with his handguns for competitions.

43. This does not apply to antique handguns or handguns that qualify under section 84(3) of the *Criminal Code.*

44. The individual Applicants are also handgun target shooters and practical, trained and competed in various casual and formally organized handgun target sports and will continue to do so with the handguns presently registered to their names.

45. They all want to be able to acquire more handguns and to be able to sell the handguns they have registered in their names now. They want to be able to inherit handguns as beneficiaries of estates and transfer the handguns registered in their names to beneficiaries of their estates.

All of this is prevented by the Regulation since October 21, 2022 and the ministerial order since August, 2022

Paramountcy

46. The Regulation prevents him from acquiring and transferring registered handguns for reasons stated in this Application he states the Regulation is void and of no force or effect.

47. The *Firearms Act* is paramount in governing the transfer of handguns. Section 29 set out the permitted purposes for which a Chief Firearms Officer may authorize a transfer.

48. The possession of a restricted or prohibited handgun is presumed to be a criminal offence unless certain criteria are met. The onus of proving the criteria are met falls upon that person in possession (*Criminal Code* s. 117.11).

49. The basic criteria are the individuals are licensed to acquire and possess that class of handgun. That restricted or prohibited handgun has a valid registration certificate issued by the Registrar of Firearms associated to it. The restricted or prohibited handgun is possessed in an authorized place.

50. The Registrar of Firearms is responsible for the issuance of registration certificates *Firearms Act* section 60.

51. A registration certificate for a restricted or prohibited firearm expires when (a) the holder of the registration certificate ceases to be the owner of the firearm, or (b) the firearm ceases to be a firearm.

52. A registration certificate for a restricted or prohibited firearm can be revoked by the Registrar of Firearms "for any good reason" (*Firearms Act* section 71(1)) or when the CFO informs the Registrar that the firearm is not being used for a purpose described in section 28.

53. Sections 28 and 30 are among the paramount sections for handguns to be legally transferred owned and used. Sections 28 and 30 are unaltered by the Regulation.

54. This is distinct from the Registrar of Firearms issuing a registration certificate to a licensed person and individual. The eligibility to have a registration certificate does not refer to the authority of the Chief Firearms Officer.

55. When a handgun owner dies their registration certificate expires because the ownership in the property of the handgun vests in their beneficiary. This transfer and vesting of ownership occurs at death pursuant to property powers. Those property powers are exclusively provincial powers as set out in the *Constitution Act,* section 91 (or 92). Provinces have enacted legislation to govern these transfers and vesting of property. There are no corresponding federal acts.

56. The *Firearms Act* is silent on the devolution, transfer or vesting of firearms on the death of a licensed owner. The provision in s.66 (a) merely recognizes the devolution, transfer or vesting that eliminates the ownership of the deceased owner of a registered restricted or prohibited firearm.

57. When a firearm is not registered, whether legally owned, such as a non-restricted firearm, or an antique or a firearm qualified under section 84(3) of the *Criminal Code*, the *Firearms Act*

is silent on devolution or transfer or vesting on death. The provincial laws of devolution of estates and succession apply.

58. Looking specifically at section 28 (b) for individuals the conditions are set out and are as follows:

> (i) For target practice or a target shooting competition under conditions specified in an authorization to transfer to transport or under the auspices of a shooting club or shooting range that is approved under section 29 of the *Firearms Act.*
>
> (ii) To form part of a gun collection of the individual in the case of an individual who satisfies the criteria described in section 30.

59. The detailed conditions specifying when the CFO may issue an authority in s.28 are designed to make sure the decisions to acquire are in complete accordance with the public safety provisions as set out in the *Firearms Act* and its regulations. The approved clubs and approved ranges must meet detailed design criteria to ensure public safety and have insurance. The operators have to be licensed under the *Firearms Act.*

60. By specifying the International Olympic Committee and International Paralympic Committee as being the standard for that target shooting purpose, then the specified public safety goals as set out in section 28 are bypassed.

61. The point is regardless of what the shooting competition is that is on the Olympic/ Paralympic Committee, it is not controlled by the *Firearms Act* public safety

parameters. Let me explain that further: There is no requirement that the Olympic competitors have taken the Canadian Restricted Firearms Safety Course or that they be licensed or be club approved pursuant to section 28.

62. These are the paramount purposes which allow the CFO to authorize a transfer.

28 (b)(i) has many threads allowing approval:

The individual may engage in target practice. No particular target discipline is stated. This recognizes the plethora of target shooting disciplines or activities. These range from the individual setting their own target practice as a sole individual to engage in the many organized target shooting disciplines. Some of the disciplines are within a club or the shooting range, some are regional some are interprovincial, some are national and some are international.

63. The number of approved ranges in Canada is over 1,000. There are hundreds of thousands of handgun target shooters. There are thousands of target shooting competitions when reviewed on an annual bases. For instance, there are over thousands of competitions with tens of thousands of participants in the disciplines of International Practice Shooting Confederation, International Defensive Pistol Association, Cowboy, Bullseye, Practical Pistol Combat Shooting. Where the competitions are more local, the numbers are not ascertainable expect to say they are very high in numbers with many clubs and ranges setting out their own competitions at ranges in Canada.

64. These thousands of target competitions are carried out by licensed individuals with registered handguns at authorized ranges.

65. The ranges are generally authorized for target practice. The authorizations do not often list the specific shooting discipline because many of the target shooting disciplines share the same range. The variations are many among the disciplines and many disciplines utilize similar targets and methods of shooting with other disciplines. This overlap of methods of shooting is the reason section 28 has such broad language.

66. Looking at the Regulation, it purports to limit the permitted purposes for which the CFO may issue an authorization. Regarding target shooting the limit is clear and obvious. Olympic and Paralympic Disciplines.

Firearms Act 118 Allows Limited Regulation by Governor in Council

67. SOR/2022-219 as registered on October 21, 2022 had not been placed before Parliament, section 118(4) was not complied with. The Regulation as registered on October 21, 2022 has different provisions than the Regulation placed before Parliament on May 30, 2022.

68. The Regulation, call it version 1, placed before Parliament on May 30, 2022 provided for the CFO to not issue authorizations as set out therein when the Regulation came into effect. No transition was in that version. All transfers in progress for which the CFO had not yet issued an authority to transfer were to stop and not be further processed to completion.

69. The Governor in Council was unsuccessful in obtaining the cooperation of the Parliamentary committee in the passage of version 1.

70. The government's solution was to rely on section 118(4) of the *Firearms Act* which provides that a Regulation which is not approved by the House of Commons can be made law by registration with the Privy Council and then published within 23 days of registration, if the Regulation has spent 30 sitting days before Parliament.

71. With recesses over the summer of 2022, those 30 days would expire about October 4, 2023.

72. The version 2 as registered October 21, 2022 had significant change in wording that allowed any transfer of a handgun begun prior to registration to be continued until fully processed and the prior open rules of transfer in Section 28 would apply without the limited restriction of eligibility in the Regulation.

73. Version 2 was not placed before Parliament. This significant change was in version 2 which was registered October 21, 2022 and subsequently published November 9, 2020 in the Canada Gazette in accordance with the *Statutory Instruments Act* and the Regulation there under is the transaction provisions section 2.

74. Calling the May 30, 2022 version number 1 and October 21, 2022 version No. 2. – version No. 1 had no mention of any transition provisions. It contemplated that when it became law the CFO would simply stop issuing authorizations to transfer handguns. Plain and straightforward.

75. This would effectively stop the processing of transfers of handguns where the transfers were begun and a reference number had been given by the Canadian Firearms Centre.

76. This would cause transfers to be stopped and the commercial sales of these would have to be refused by the seller and buyer.

77. Typically the volume of handgun transfers were processed from an issuing of the reference number to the issuance of the authorization to transfer within a short timeframe ranging from an hour to a few days, maybe 2 or 3 days.

78. The tabling of version No. 1 caused a tremendous surge in licensed individuals purchasing hundreds of thousands of handguns beginning June 2022. By October over 280,000 handgun transfers were applied for and the backlog in processing the applications to transfer which had been given reference numbers was about 250,000 unprocessed applications transfer which were awaiting authorizations to transfer issuing by the CFO.

79. This backlog was due to the inability of the provincial CFO's to process in the previous time frame. For instance, the CFO Ontario stated that in September, 2022 it received about 500 applications a day but could only transfer 500 a week, they reported a 90,000 application backlog. Ontario is about one-third of the handgun market.

80. A simple calculation meant a delay of 60 weeks. To accommodate this CFO system of the Registrar of Firearms and the CFO's notes in processing a handgun transfer version No. 2 was registered on October 21, 2022 and to it was added section 2, the transitional provision allowing the transfer as commercial to be continued to completion.

81. The value of the backlog to the sellers and buyers was over $200 million dollars, $200,000,000.00.

82. The historical surge could have been contemplated by the federal government. When there was a hint that the federal government was going to take action on AR-15 ownership the purchases and registrations surged from a stable 75,000 to 108,000 within weeks. In implementing SOR/2020-96 the Federal Cabinet stated it deliberately published SOR/2020-96 without notice to avoid a rush to purchase surge. Applying that same logic and knowledge to the handgun market which was at that time ten times larger a surge would be expected. Yet none was planned for and no additional services were added.

83. When in May, 2022 the federal government implemented the requirement of Bill C-71 of a transferee and transferor obtaining a reference number confirming their mutual license attach prior to a transfer of non-restricted firearms the Registrar added service personnel.

84. I note the handgun transfer surge began 11 days after the non-restricted reference number requirement of Bill C-71 had been added to the need for additional service personnel at the office of the Registrar.

85. During these significant changes affecting how civilians transferred firearms, all of which required additional services of the Canada Firearms Centre, no additional personnel were

assigned to the CFO offices of personnel or training of personnel or equipment needed for processing firearms transfers were made to the CFO offices.

86. Each of these regulation changes, implemented, proposed and made law were performed without prior notice to the provincial and territorial Chief Firearms Offices. They learned at the same time the public learned.

87. The layering on of these transfer changes to the responsibility to provide services by the CFO has caused the backlogs of over 250,000 transfers by the time the Regulation was registered.

88. The reallocation of staff of the CFO to cope with the backlog has caused a further backlog in the processing of firearms licenses renewals. Those are estimated at 37,000 renewals monthly. There are now many licenses expiring as they await their submitted renewal applications to be processed. The licensed firearm owners are then somewhat concerned by the 6 month grace period in the *Firearms Act* which allows them to possess their firearms but to not use them.

89. The computer system servicing licensed business and individuals were having continuing breakdowns, creating delays.

90. I note a lack of planning for essential services for licensed firearms owners which has placed them at risk of criminal offences under Part III of the *Criminal Code* for unauthorized possession in its many forms.

91. The volume of the transfers and the value of the transfers is significant. It is submitted that this number and value was not presented to the House of Commons or any of its committee for consideration or debate. Given the numbers of backlogged handgun transfers and the monetary value, this was a significant set of circumstances that was worthy of Parliamentary debate and attention.

92. This great volume and value created by the licensed transferors and transferees was significant. In fact it is significant as this application is filed with over 200,000 transfers still in backlog.

93. Allowing the CFO to continue to authorize transfers for many months, weeks, and days after the Regulation became law is significant and altered the fundamental purpose of version No. 1.

94. Also version No. 2 did not provide in its particular wording or in the RIAS description of the volume or value of the backlog or any estimate of time to process the backlogged transfers.

95. In this way version No. 2 was a fundamentally altered and therefore new Regulation with the additional purpose not revealed to Parliament that the transfers would continue after the registration of the Regulation.

96. Regulation SOR/2020-0219 is not eligible to be registered with the Privy Council or published in the Canada Gazette because it was not presented and laid before Parliament as provided by section 118(4) of the *Firearms Act* and is not approved by Parliament.

Export and Import Permits Act Change

97. The ministerial decision under the *Export and Import Permits Act* to stop prohibit and limit the import of handguns is in essence a regulation regarding firearms and as such must conform with the provisions of the *Firearms Act*, sections 117 and 118 in particular.

98. There is no power under section 117 to limit the import of handguns for a purpose which is prescribed in the *Firearms Act* section 28.

99. The ministerial decision *Export and Import Permits Act* is in its essence a firearms regulation to which section 118 applies. The federal government, minister or Governor in Council failed or ignored the mandatory procedure in section 118.

100. There was a historic surge in the volume of licensed individuals purchasing handguns that immediately began upon Version 1 being placed before Parliament. Licensed individuals understood this was their "last chance" to purchase registered handguns. Frankly put, the handguns flew off the licensed firearms dealers shelves. Prices escalated, supplies diminished, distributors and retailers sold out of existing stock. People who wanted to sell handguns placed them for sale on advertising sites and at licensed dealers or consignment or just sold them to dealers. Again the handguns were purchased quickly.

101. Distributors increased their imports and distribution to meet this consumer demand. Hundreds of Thousands of handguns were sold and purchased. Tens of thousands of legal handguns were legally imported by distributors and dealers. People remarked that the Liberal Cabinet had become the best sales people of handguns in Canadian history.

102. The Federal Cabinet became alarmed by this surge in imports of handguns. This was working against the designed purpose of limiting the civilian possession of registered handguns.

103. The typical value of handgun imports was between $37,000,000 and $44,000,000 annually. Yet now in a four month period the value of handguns sold was a multiple of typical annual sales. To accommodate the demand the government moved to stop handgun imports.

104. Imports were ended but with the historic surge about 278,000 handguns were purchased between June 1 and September 19, 2022. The exact number before October 21, 2022 is presently unknown.

105. Eventually a solution was found and by utilizing customs regulations further regulation was implemented on August 19, 2022 ending the import of handguns into Canada. This was termed temporary but at the time of this application the import prohibition regulation still exists as law and no end date is given.

106. It is submitted that Ministerial decision under the *Export and Import Permits Act* prohibiting the import of handguns into Canada is part and parcel, an intrinsic part of Regulation

SOR/2020-0219. That is because it is of the same object of limiting civilian possession of handguns, was created and implemented to augment SOR/2022-219.

107. The nature of the import ban regulation is solely in respect of firearms and must adhere to the same provisions as other firearms regulation under section 118 of the *Firearms Act*.

108. It does not and is to be declared *ultra vires*, void and of no force or effect.

Describing Technicalities of Registered Handgun Transfers

109. The process of transfer of a registered handgun is as follows:
The Registrar is responsible for issuing registration certificates, *Firearms Act* section 60, which remains unchanged.

110. The registration of firearms and Chief Firearms Offices of the provinces and territories had not been prepared for this historic surge of hundreds of thousands of purchases, transfers. The existing service structure was and remains overwhelmed.

111. The Registrar received transfer applications and issued the reference numbers to show the transfer was "in the system". The details of the firearm, transferor and transferee was then sent to the CFO to compare the firearm to the licenses and perform the required background checks on the transferor, transferee and the firearms to determine if the handgun could be transferred. Upon it being determined that the transfer could be effected the CFO communicated with the Registrar. The Registrar then cancelled the transferor's registration certificate and issued a new registration certificate to the transferee. Those certificate numbers were then communicated to the CFO who in turn issued the "authorization to transfer" which listed the transferor's canceled certificate number, the transfers new certificate number, details of the firearm. This authorization then was sent to the transferee who could pick up the handgun and take it home, when the transferee was authorized to possess.

112. The new transferee, owner, still had to wait for the Registrar to send, by Canada Post, their new actual Registration Certificate which was needed to be able to transport the registered handgun to the approved shooting range, gunsmith, border, gun show as the owner was authorized on their license or by additional authorizations issued by the CFO.

The Regulation Differs from C-21 proposed changes to *Firearms Act*

113. Why does the federal government have two different approaches to limiting a licensed individual's ability to acquire a handgun for Olympic/Paralympic target sports?

114. The Regulation is said to be temporary until Bill C-21 is passed and becomes law. The target sports shooters have been critical of the goal of the federal government to limit the acquisition of handguns only for the Olympic/Paralympic sports.

115. Each of the Regulation and C-21 is designed and touted by the federal government to have that mutual goal.

116. Yet they each go about it in different ways. Let me explain.

117. Bill C-21 adds to the *Firearms Act* and specific prohibition or the power of the Registrar of Firearms to not issue any registration certificates for a handgun to any individual. That is a new section 12.1 found in clause 17. Seemingly then no licensed individual could acquire any handgun for any purpose, not for collecting, guard or protection work or any target sport.

118. Yet, in C-21 at clause 43, there is an exemption allowing the acquisition of handguns in a new section 97.1, which states the 12.1 prohibition of preventing the Registrar of Firearms issuing a registration certificate to an individual would not apply if that individual is acquiring the handgun for Olympic/Paralympic target shooting among other purposes.

119. Importing of handguns, because they are restricted or prohibited requires an authority to bring the handgun in from a port of entry to the licensed individuals business or home.

120. C-21, clause 19 states in a new section 19.1 of the *Firearms Act* that no authority will be issued to bring any handgun from a port of entry to the individual's home or business or any other place. This prevents all imports of handguns for all purposes. Not for acquisition and not target shooting by non-Canadian coaches, practice sessions or competition.

121. C-21, clause 21 then creates an exemption to this prohibition of issuing an authority from a point of entry if the handgun is to be used in Olympic/Paralympic target shooting or for guard work as *Firearms Act* 23.2.

122. Unlike C-21, the Regulation, SOR/2022-219, itself does not prevent the Registrar from issuing a registration certificate of a handgun. There is no power for the Governor in Council under section 117 to create a regulation prohibiting the Registrar from issuing a registration certificate.

123. The question then arises of how the federal government can stop the transfer of handguns among licensed individuals while C-21 is before Parliament?

124. The federal government, understanding that no legislative limit could be placed on the Registrar before change in the *Firearms Act*, being section 12.1 to be created by Bill C-21 when it is proclaimed the federal government decided to do indirectly what it could not do directly.

125. The federal government is attempting to stop the transfer of handguns among licensed individuals by limiting the criteria in section 28 of the *Firearms Act* indirectly with a Regulation to limit the authority of the CFO.

126. This is a desperate attempt to undermine the paramountcy of the *Firearms Act*.

127. No regulation can limit the authority specified by section 28 of the *Firearms Act*. Yet that is what the Regulation attempts to accomplish.

128. The lack of legality of this Regulation is demonstrated by the stated intent of the federal government to cancel the regulation that attempts to limit the authority of the CFO when the legislative change to the *Firearms Act*, Bill C-21, and section 12.1 becomes law.

129. That series of actions in themselves is an admission that the Regulation is contrary to the *Firearms Act* and beyond the power of section 117(a).

130. Were it not then the Regulation would suffice for the future.

131. Yet, it is made obsolete and replaced by two legislative changes to the *Firearms Act,* section 12.1 and 97 that are contemplated in Bill C-21.

132. Looking at the newly implemented import ban of August, 2022, the same applies. The import ban, change in regulation of the import permits is temporary until Bill C-21 is passed through Parliament and is made law.

133. The August, 2022 import ban cannot specify exemptions for Olympic/Paralympic acquisition by licensed individuals or even exempt visiting Olympic/Paralympic target shooters. It is a blunt no import ban affecting all handgun imports.

134. That too will be canceled when C-21 becomes law and the *Firearms Act* is changed by section 97.

135. This is another admission that the August, 2022 import ban is contrary to the *Firearms Act* because it prevents licensed individuals from acquiring handguns for ownership by not allowing imports.

136. The weakness or legal ineffectiveness is admitted by stating it will be canceled and removed when C-21 changes to the *Firearms Act* become law.

137. The August, 2022 import ban regulation is contrary to the Governor in Council's powers under s. 117(9.1) which speak of export permits. Having stated export permits, 117 (9.1) excludes import permits.

138. The use of another Act or Regulation and the ignoring of section 118 of the *Firearms Act* which applies to all regulations affecting firearms leads to the inevitable conclusion that the August, 2022 import ban is void and of no force or effect.

Limiting Shooting Sports Contrary to 117(a)

139. Section 28 of the *Firearms Act* defines who may acquire a restricted or prohibited handgun. In there the Chief Firearms officer must be satisfied of alternative criteria. One of the criteria is found in 28(b)(i) which defines target practice or competition on a range approved under section 29. This criteria does not limit the type or discipline of target shooting or the governing body of that target shooting event, type or discipline.

140. The Regulation purports to then limit the discipline to a handgun discipline on the Olympic or Para Olympic list of disciplines. Those are not defined in the *Firearms Act* or its Regulations.

141. The Olympic and Paralympic governing bodies are not Canadian governing bodies. They are incorporated in other countries and have no jurisdiction to govern Canadian activities.

142. There are no provincial or Canadian "governing bodies". There are some incorporated bodies, unincorporated groups, clubs and ranges that organize conduct and supervise various handgun target sports from time to time. These are not authorized by any legislation or act of Parliament to be governing bodies of any handgun or shooting discipline.

143. This reference to governing bodies within the Regulation is vague, undefined.

144. There is no legislation that allows the creation of the decision making of what constitutes an Olympic or Paralympic handgun competition in Canada.

145. The Governor in Council has no authority, in any event, to delegate to any such governing body.

146. The conduct of shooting sports on approved ranges is not separated by adherence of the range to any Olympic or Paralympic sport.

147. The attempt by Regulation to provide and impose conditions on the transfer of handguns among licensed individuals based on the arbitrary designation of approval by way of being a participant, coach or competitor is beyond the power of the Governor in Council whose ability is defined by the *Firearms Act* and the *Criminal Code.*

148. Additionally, if a handgun is acquired as specified in the Regulation for participation in an Olympic or Paralympic shooting discipline there is no subsequent limit or control over the use of that handgun in other lawful shooting activities.

149. Those lawful shooting activities can be individual practice, club practices, individual competitions, club practices. Other organized practice and competition in disciplines of Dominion of Canada Rifle Association who conducts service pistol, which is also informally practiced at many approved ranges, International Practice Shooting Confederation also known as IPSC practices and competitions in Canada and Worldwide. IPSC has competitions in 75 countries, International Defensive Pistol Association practices and competitions PPC, Practical Pistol Combat in Canada and the United States. Participation in unlimited types of handgun practices and competitions in many countries where handguns can be transported from Canada to those countries.

150. The type of handgun that is used for Olympic and Paralympic shooting disciplines is common to almost all other handgun sporting competitions.

151. Once a person lawfully acquires a handgun in compliance with the Regulation, that person may stop or suspend participation in the shooting discipline and with the firearm registered to them may continue to legally possess it.

Delegation Contrary to Section 117

152. The delegation of determinations to what is euphemistically called governing body is an abdication of responsibility to an unknown entity. There are several volunteer organizations, clubs and ranges that conduct training, practice, coaching and competitions for individuals who are participating in Olympic/Paralympic handgun shooting sport.

153. The Olympic/Paralympic organization is termed a committee and is based in Lucerne Switzerland. The nature of the handgun sport shooting they "list" has changed over time and is also presently under evolution with consideration of adding further handgun target shooting discipline. At times no handgun sport has been listed at the Olympic/Paralympic games.

154. In reviewing the power of Regulation is section 117 of the *Firearms Act* there is no provision of power that allows or permits the changing of a condition for authorization to become dependent on the decisions of a volunteer club whether in Canada or any other country.

155. Review of section 28, the paramount legislation, shows clearly and conclusively that the permitted conditions must involve handgun shooting sports that take place in Canada or Canadian ranges or as specified by a Canadian Club.

156. The governing bodies, which can include but are not limited to the Shooting Federation of Canada, Target Ontario, and Canadian Sport Shooting Association, IDPA Canada, IPSC Canada, IPSC Ontario among others are not authorized clubs under the inspection or governance of the *Firearms Act*. Those organizations not for profit corporations, manned and managed by volunteers and deliberately avoid being governed by the *Firearms Act* or its regulations. That in and of itself disallows their being reference in relation to the correctness or limiting the scope of what transfer of a handgun or any other prohibited or restricted firearm by a Chief Firearms Officer.

157. A new "governing body" can be created at any time or other organization may be added by its own voluntary as a "governing body", the Olympic/Paralympic Committee does not have a conclusive list of the governing bodies that are provincial or national. The reference by the Regulation itself to provincial or national bodies necessarily excludes the international Olympic/Paralympic Committee Organizations whether based in Lucerne Switzerland or any other country.

Vagueness

158. The very terms "Olympic" and "Paralympic" are not defined by the *Firearms Act* or the Regulation.

159. This leaves open vagueness as other clubs or organizations can set out their own "Olympic" or "Paralympic" competitions those would have to be recognized by the wording of the Regulation.

160. To decide and control the authorization transfer power of a government official, the Chief Firearms Officer, by having its authorization power determined discretion of an independent, ill defined, nongovernmental body is to relinquish all control of Public Safety in Canada to unknown persons. Those persons need not ever be licensed firearms owners which means they are not required to have learned, taken and successfully challenged the Canadian Firearms Safety Course or the Canadian Restricted Firearms Safety Course. Those courses form the foundation of qualification for ownership use of firearms by safety standards set by the Canadian Firearms Centre.

161. This vagueness of the safety standards of the "body" giving a letter of a licensed individual being a trainee, coach or competitor reduces public safety in Canada.

162. There is no timeframe given for the "Olympic/Paralympic" Pistol Target Shooting events. This leaves open the valid consideration of historic pistol target events. These have been many and valued in the history of the handgun. Target shooting in the Olympics/Paralympics now based in Lucerne, Switzerland since 1896 when the first handgun target shooting event competition was in the Olympics.

163. During history the size of the handgun has varied, the type of handgun has varied from single shot, revolver, bolt action and semiautomatic along with calibers that have included Military Calibers up to .455 caliber and as small as .22 Rimfire. These listed handguns competitions encompass all known calibers.

164. The Olympics have also at times suspended shooting events that occurred periodically the first event was 1896, then in the following years; 1908, 1912, 1924, 1932 and so on. Even in recent Olympic/Paralympic handguns target shooting events were not listed for the Olympics. No competition was held, no practices were organized, and no qualification events were performed. With Olympics/Paralympics traditionally being held four years the

suspension or elimination of handgun competition for the next ensuing Olympic/Paralympic games creates a practical gap of at least four years. That would logically result in the CFO being unable to authorize the transfer of any handgun during that four years.

165. The Olympics referred are 1904, 1908, 1928, for Rapid Fire Pistol, Air Pistol was not listed until 1988.

166. For the 2024 Olympics in Paris the following handgun competitions are presently listed:

10 m air pistol (women/men/mixed team)
25 m rapid fire pistol (men's)
25 m pistol (women's)

167. This vagueness and *ultra vires* delegation as expressed here and as further research may reveal and be more fully explained and argued leads the Regulation to be void and of no force or effect.

168. For the reasons stated herein SOR/2022-219 and the ministerial order prohibiting the importing of handguns is void and of no force or effect because they are vague.

Gender Discrimination

169. With these being listed by gender that would also have to be followed by the CFO who would not be authorized to transfer any centrefire cartridge pistol to a female, the 25 m women's is shot with a .22 rimfire caliber pistol.

170. The introduction of gender based authority to authorize the transfer of a handgun in Canada is contrary to the Human Rights legislation and to section 15 of the Canadian Charter of Rights and Freedoms and human rights legislation that is federal and provincial. This not only discriminates on transfer but limits the entry and participation of females into shooting sports because if they cannot legally own a handgun they practically cannot compete.

171. The Regulation is therefore void and of no force or effect to its infringement on the human rights of females and the gender discrimination against females.

Collector Status Eliminated Contrary to *Firearms Act* S. 28, 30

172. A lawful purpose to acquire and possess handguns is to have been and continue to be a licensee who has the status of a collector as set out in the *Firearms Act.*

173. The collector status allows licensed persons to acquire and possess registered handguns when they are not target shooters or do not use the handgun for their work.

174. The Regulation effectively ends the ability of a collector to acquire registered handguns or to transfer their handguns to other licensees which is still listed as a permitted purpose in section 28.

175. This is in contravention of the purpose of the collection status as set out in the *Firearms Act*, section 28 which remains unaltered. The *Firearms Act* is paramount and the Regulation being in contravention is ultra vires and inconsistent.

176. Section 30 provides for a licensed individual to achieve the status of a collector of a class of firearms. One of these classes is handguns.

177. Being designated as a collector the licensed individual does not have to acquire the handgun for the purpose of target shooting. In section 28 of the *Firearms Act* collecting as defined in section 28 and 30 is recognized as a permitted purpose for the CFO to issue an authorization to transfer a handgun. This legislation remains unaltered.

178. SOR/2022-219, purports to end that. In this way the Regulation eliminates and voids a section of the *Firearms Act.*

179. This loss of license and registration and no ability to transfer the handgun is an infringement of section 7 of the *Charter of Rights and Freedoms.*

180. This disrupts the paramountcy of the *Firearms Act*, the role of Parliament in changing the *Firearms Act* and goes beyond the power of the Governor in Council to create regulations as set out in the *Firearms Act* Section 117.

181. For this reason SOR/2022-219 is *ultra vires* to be declared void and without power or effect.

The Confiscatory Purpose is clear in SOR/2022-219

182. There exists the actual effect of confiscation by the Crown of a person's registered handguns during their lifetime without that person committing a criminal act.

183. This occurs when the license of any person or individual is ended by any of several events. Licenses are issued for a period of five years for an individual. There are individual licenses and business licenses.

184. At the end of a license the person, individual loses their ability to have a registration certificate as required for the handgun or the registration certificate expires.

185. When that person, individual is unable to obtain an authorization to transfer the handgun the person, individual becomes a criminal within the scope of sections 91, 92, 94, 95 of the *Criminal Code*. These are reverse onus provisions (section 117.11 of the *Criminal Code*) where the person, individual must show they have the appropriate license (which is expired or revoked) and a current valid registration certificate (which was expired, cancelled or revoked under the *Firearms Act*) and they face arrest, incarceration, possible release on strict bail conditions, seizure of their other firearms, ammunition and gun powder, a finding of guilt and a sentence of incarceration in a federal penitentiary for multiple years. All of which is brought on by the Regulation which prohibits the CFO from issuing an authorization to transfer.

186. The way out of such dire consequences is to surrender, as is mandatory confiscation, of their registered (or now unregistered handgun) to the Crown by way of police. This will be the only practical alternative to loss of liberty for hundreds and thousands of owners of handguns which are not appropriate for the CFO to now authorize the transfer.

187. I note the handguns utilized by professional guards are of the prohibited class (12(6) and 12(6.1) because of the provision of the *Firearms Act* are the need of those guards to have smaller sized handguns while performing their employment duties.

188. This coercion into surrender for no compensation is a deliberate and obvious designed feature of the Regulation. It is expressed in RIAS as a way to reduce the number of handguns in civilian possession in Canada. Ostensibly to reduce their incidence in crime, either violent crime or property crime.

189. In the RIAS the stated purpose of the Regulation is to reduce the number of handguns in civilian possession.

190. That is not a purpose for which the Governor in Council may make a Regulation under the *Firearms Act*.

191. This purpose as stated and the effect of the Regulation is contrary to the purposes of the *Firearm Act.* The *Firearm Act* is paramount where the Regulation is contrary to the *Firearms Act* in its effect it is void and of no force or effect.

Constructive Taking contrary to section 117 and Charter section 7

192. The federal government has by the Regulation constructively obtained a beneficial interest in all handguns in Canada.

193. The beneficial interest the federal government claims is the increased public safety by reducing the number of civilians in possession of handguns. They express this as an advantage to public safety.

194. That interest flows from the registered owners being prevented from transferring the handgun except in limited circumstances.

195. These limited circumstances are a fraction of the previous circumstances permitting a registered handgun to be transferred.

196. The beneficial interest acquired by the federal government is constructively acquired upon the enactment of the Regulation when it was registered on October 21, 2022.

197. With an estimated 676,000 individuals licensed to possess and acquire restricted handguns and additionally the license to acquire prohibited handguns by way of section 12 (6), 12 (6.1) and 12(7) of the *Firearms Act* being suddenly limited to about 14,000 eligible transferees set out in RIAS, the market of available transferees became miniscule.

198. The alternative for over 650,000 individuals is gone in that instant. The alternative becomes the surrender to the federal government.

199. The Regulation does not provide for compensation. Significantly it is silent on that issue.

200. This then *de facto* and practically affects the property in the licensed handgun owner by depriving them of the previous available transferees.

201. With the demonstrated market for handguns being an average value of $37,000,000 to $41,000,000 handguns annually as imports to Canada which are now cut off by companion regulation and surge the market following the tabling of the first version of the Regulation on May 30, 2022 of about 278,000 handgun transfers among those licensed the effect of the Regulation is obvious and clear.

202. As the licenses of the present owners expire in time, are revoked by the CFO or expire by death, the registration certificates of those handguns will also expire as provided by the *Firearms Act* the possible 14,000 persons in the now miniscule market will not be the handguns of other owners because they have sufficient guns for these purposes.

203. Then to avoid criminal offenses of unauthorized possessions under several sections of Part III *Criminal Code*, 91, 92, 94, 95 and realizing those offenses are reverse onus proof *(Criminal Code* Section 117.11) being upon an accused the only alternative is surrender to the federal government for no compensation.

204. This denies the licensed handgun owner of what has been a reasonable use of their property. That reasonable use was to transfer it to other licensees for the purposes set out in section 28 of the *Firearms Act.*

205. This eliminates a right in the property which has a legal right while that person was licensed and the handgun was registered.

206. In combination an individual's rights under section 7 and 8 of the *Charter* is infringed.

207. For the purpose of this application the term "right" refers to the legal privilege enjoyed by an appropriately licensed person or individual in the ownership and use of appropriately registered, where required, firearms where they may be authorized to be possessed.

208. This elimination of the ability to transfer the registered handgun to all other appropriately licensed persons is in effect, *de facto,* a seizure of property of the right of property in the registered handgun by the Crown. That is a seizure and forfeiture and as such infringes the *Canadian Charter of Rights and Freedoms* section 8. The Regulation is unlawful as an unreasonable infringement by section 8 right of both a transferor and a transferee.

Constitution Act Powers and Beneficiaries of Estates

209. Provincial power under the *Constitution Act* provides for the power to control property being provincial. The Regulation attempts to limit the powers of the province in respect of property. This is an *ultra vires* infringement on exclusively provincial powers.

210. The Regulation only applies to registered handguns possessed by licensed persons. Once the handgun is registered to a licensed individual the handgun is the legal property of that person and as such is subject to provincial power to legislate and regulate property.

211. The Regulation purports to limit the ability of a licensed owner to devolve or transfer their legally owned property upon their death.

212. Upon the death of an individual their property vests in their beneficiary. Where the beneficiary has a firearms license that provides for them to acquire and possess handguns the property in the handguns of a deceased immediately vest in that licensed beneficiary.

213. The law of succession is a provincial power under the *Constitution Act*. There is no criminal act to be regulated by the federal powers under the *Constitution Act* where the handgun is owned by a deceased and the beneficiary is licensed to acquire and possess that handgun.

214. In that situation the role of the Registrar of Firearms is to cancel the registration of the certificate of the deceased and to issue a new registration certificate to the beneficiary. No act of transfer is required by the Chief Firearms Officer.

215. However, the Regulation attempts to block this lawful sequence of vesting of property and the recording of the legal registration of the handgun as lawful property of the beneficiary by imposing a prohibition on the Chief Firearms Office granting an authority to transfer. It is submitted that the authority to transfer is not needed due to the lawful vesting of the property in the handgun to the beneficiary. That prohibition is contrary to and an infringement upon the property power of the province as set out in the *Constitution Act*.

Collector Status Eliminated Contrary to *Firearms Act* S.28, 30

216. The vesting of property is to the beneficiary. The power of a trustee/executor of a deceased is to effect lawful transfers of property when that is required. The *Firearms Act* does not provide for transfer of a restricted or prohibited firearm to the executor/trustee of a deceased. As an interim step in the distribution of the property of a deceased. The Registrar of Firearms only requires proof of identity and status to effect the revocation or expiry by death of the registration certificate of the deceased and the issuance of the registration certificate of the beneficiary as new legal owner.

217. In seeking to limit the possible transferees of the registered handguns of a deceased the regulation infringes on the property power of the provinces as stated in the *Constitution Act*.

218. This is exemplified by the fact that once transferred after death as specified by the Regulation, the transferee, be they a beneficiary or other person to whom the authority to

transfer was issued by the CFO as stated in the Regulation, that transferee has no fetters on the use of that handgun acquired prior to the Regulation coming into force on October 21, 2022.

219. This begs the question "what is the purpose of the Regulation?"
A purpose of the Regulation is to force, bully and coerce the registered owner of the handgun or their representative to surrender the handling to the Crown for no compensation.

220. That is why there is no mention of compensation for surrender to the Crown.

221. With over 1,200,000 registered handguns owned by about 700,000 licensed individuals there is no market for the transfer of those handguns to the relatively small number of persons and individuals who are eligible to acquire under the terms of the Regulation. The RIAS states that there are about 8,000 Olympic transferees and 6,000 transferees who qualify under their profession or work.

222. That is 14,000 possible transferees of 1,200,000 plus handguns from 700,000 licensed owners. Clearly there is no balanced market which makes the purpose of forced surrender also termed confiscation conspicuously obvious.

223. The Regulation states its purpose is public safety which is an advantage to the state. This is coupled to the taking away of the ability to transfer the registered handgun to the over 700,000 persons who have the firearm license to acquire and possess a handgun. This is a taking that requires compensation, yet by providing no compensation for the loss of the property in the registered handgun the Regulation goes beyond the scope of the federal power in the *Constitution Act.*

224. There is no criminal power provided for in the *Firearms Act* or the *Criminal Code* for the confiscation or forfeiture of a registered handgun due to the Chief of Firearms Officer being prohibited from issuing an authority to transfer.

225. A beneficiary of a deceased who is a legally licensed individual with a firearms license providing for the acquisition and possession of restricted firearms is now unable to obtain an authority from the Chief Firearms Officer for their province or territory for the lawful transfer of the handguns of a deceased owner of legally registered handguns.

226. These handguns can consist of restricted handguns and prohibited handguns.

227. Prohibited handguns are prescribed by section 12(6) and 12(6.1) of the *Firearms Act.*

228. Beneficiaries can be licensed to acquire and possess restricted and prohibited handguns. They may have the prescribed designation under 12(6) and 12(6.1) respecting prohibited handguns.

229. Beneficiaries who are licensed to acquire and possess restricted handguns may also acquire certain prohibited handguns where they and the handguns come under the prescription of section 12(7) of the *Firearms Act.* These provisions of the *Firearms Act* are not altered by the Regulation.

230. In this way the Regulation is *ultra vires,* void and of no force or effect. END

True purpose of seizure /forfeiture without Compensation contrary to Section 117

231. The difference is one of cost for compensation for forced confiscation. Neither confiscation, surrender, nor compensation are able to be regulated under section 117.

232. SOR/2020-96 effects 108,000 registered AR15s for which the government is paying $1400 each (a total of 151,400,000) and an unknown amount of unregistered firearms. Presumably smaller, for about $30,000,000 compensation.

233. In comparison the 1,200,000 plus registered handguns with an average value of $1,000 yields a compensation payable of $1,200,000,000. One billion, two hundred million dollars.

234. That is a payout 8 times more than under SOR/2020-96.

235. There is also the continuing issues the federal government faces with how the prohibited firearms under SOR/2020-96 are to be taken from their owners.

236. There are no police forces who are willing to take on confiscating 250,000 firearms, Canada Post refuses to participate as a designated shipping postal. Four provinces and one territory have enacted legislation policy to not participate and to prevent their police force from participating in this forced confiscation of the SOR/2020-96 firearms from licensed persons and individuals.

237. I note these are individuals and business who are allowed to hold these under the amnesty SOR/2020-97, which was extended to October 30, 2023 from its first expiry date of April 30, 2022 due to no ability of the federal government to provide for places for the owners to deliver their now prohibited firearms or any provision for compensation.

238. This handgun freeze registration is far more costly to the licensed owners. The logistics of confiscation are more complex and onus was on police. The police are not equipped to receive the 1,200,000 plus handguns that will be surrendered.

239. I note that eventually the Olympic/Paralympic shooters and guards will have their licenses end due to expiry or death and so too their registrations, requiring their registered handguns to be surrendered.

240. By this seemly simple one page Regulation, a series of decade's long domino effect of expiry of licenses, expiry of registration, stopped transfers and forced surrender without compensation to local police department is begun.

241. This is in stark contrast to the efforts to be initiated by SOR/2020-96 which at the date of issuance of this application remain unfulfilled and unimplemented.

242. This Regulation offends the principles of fairness and transparency of Parliamentary government in Canada.

243. The grounds alleged herein are preliminary in nature and further grounds supporting the striking out and declaration of validity of this Regulation will arise as this application progresses.

244. Those discovered, revealed grounds and developments will be added to this application from time to time.

Effectiveness of Public Safety

245. There are many Chiefs of Police who publically state that this object is not viable or real.

246. There are solid facts that there are an unknown quantity of unregistered restricted and prohibited handguns in Canada presently. This Regulation does not affect those unregistered handguns.

247. Unregistered restricted and prohibited handguns which are in Canada by the illegal acts of smuggling, contrary to the *Criminal Code* and the *Customs Act* are involved in 90 (ninety) percent of the violent and property crime involving handguns in Canada. This Regulation does not affect the criminal acts of smuggling or the use of those handguns in violent or property crime.

248. This then makes the obvious and conspicuous purpose of this Regulation the seizure of the handguns by the state, to be held and used by licensed individuals, until their license expiry, revocation or death with the coerced confiscation for no compensation by the state for the purpose of disarming the civilian population of handguns which is for the advantage of the state.

249. Given that the percentage of licensed owners of registered handguns who use their registered handguns in violent or property crime is negligible and very low, being a fraction of a percentage annually, this Regulation's overriding and conspicuous purpose is to have as its end purpose confiscation of legally owned property for no compensation.

250. If public safety were truly the overriding purpose then these same registered handguns would be made prohibited under section 117.15 listed to 1,500 makes and models of other firearms by Regulation SOR/2020-96 and compensation paid to the owners.

251. Section 28 permitted purposes when combined with the licensing procedures, storage, use transport procedures public safety is served.

252. This is acknowledged because the existing handguns remain in the possession of licensed individuals who use them for the purposes they acquired them for.

The application will be supported by the following material:

A. Affidavit of Anthony Bernardo

B. Affidavit of Daniel Nagy

C. Affidavit of John Evers

D. Affidavit of Corinna Traill

E. Affidavit of persons who acquire handguns for shooting sports or collection

F. Affidavits of persons who research information on the handgun transfer ban of transfers and import.

G. Correspondence, memos, communications in all media by the Respondent , members of Parliament, Employees of the Federal Government that are not yet available but which will become available during the time to file the Record and also after the time to file the Record as this Honourable Court will allow being relevant to the issues raised herein.

H. All such further and other materials as counsel may advise and this Honourable Court may permit or allow.

A Partial List of Statutes and Regulations Referred to

Sections 2, 84(1), 91, 92, 93, 94, 95, 117.11 and 117.15 of the *Criminal Code of Canada*, Part III.

Sections 5, 12, 13, 19, 28, 30, 66, 70, 71, 72, 73, 82-83, 117, 118 of the *Firearms Act* and its Regulations.

Sections 18(1) and 181(1) of the *Federal Courts Act.*

Sections 7, 8, 15 and 24 of the *Canadian Charter of Rights and Freedoms*.

Constitution Act.

Export and Import Permits Act

Statutory Instruments Act and its Regulations

SOR/2022-219

Dated: November 16, 2022 at Markham, ON

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Court File No.

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Applicants		Respondent

FEDERAL COURT

PROCEEDING COMMENCED AT

TORONTO

NOTICE OF APPLICATION
Pursuant to sections 18 and 18.1 of the Federal Courts Act

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